

REMARKS

By the present Amendment, Applicants propose amending claim 1 to more appropriately claim the invention. No new matter has been added. Upon entry of this Amendment, claims 1-34 remain pending with claims 1-5 being under consideration and claims 6-34 being withdrawn as drawn to a non-elected invention.

In the Final Office Action dated July 17, 2003, the Examiner rejected claims 1-5 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 5,790,620 to *Okazaki et al.*

This rejection is respectfully traversed because *Okazaki* does not disclose each and every one of the claimed elements. Applicants therefore request that the rejection under 35 U.S.C. § 102(e) be withdrawn.

To anticipate claims 1-5 under 35 U.S.C. §102(e), *Okazaki*, taken individually, must disclose each and every element recited in claims 1-5. See M.P.E.P. § 2131 (8th Ed. 2001).

Okazaki discloses a laser processing method carried out by irradiating a surface through a laser beam irradiating apparatus. See Abstract. *Okazaki's* laser beam apparatus comprises a pulse laser device, a beam strength adjusting device, and a mechanism for adjusting a spot diameter and a multiplexing ratio of an irradiated beam. See *id.*

Claim 1 is directed to "a laser-beam emitting head for irradiating a portion to be machined with laser beams outputted from a laser unit, said laser-beam emitting head

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comprising," *inter alia*, "a reflecting mirror for irradiating the portion to be machined with the converged laser beams, wherein the reflecting mirror is located behind the converging lens on the downstream side of the light advancing direction."

In contrast, *Okazaki* does not teach at least "a reflecting mirror for irradiating the portion to be machined with the converged laser beams, wherein the reflecting mirror is located behind the converging lens on a downstream side of a light advancing direction," as recited in claim 1. Instead, *Okazaki* teaches a converging combination lens 76 for converging laser beam 72 after galvano-mirror 55 redirects laser beam 72. See Fig. 15 and col. 16, ll. 57-67, col. 18, ll. 40-55.

For at least these reasons, *Okazaki* fails to disclose each and every element recited in independent claim 1.

Claims 2-5 depend from claim 1 and include all the elements thereof. Thus, claims 2-5 are not anticipated at least based on such dependency and for at least the same reasons discussed with respect to allowable independent claim 1.

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1-5 in condition for allowance. Applicants submit that the proposed amendment of claim 1 does not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in

the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Furthermore, Applicants respectfully point out that the final action by the Examiner presented some new arguments as to the application of the art against Applicants' invention. It is respectfully submitted that the entering of the Amendment would allow the Applicants to reply to the final rejections and place the application in condition for allowance.

Finally, Applicants submit that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

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RESPONSE UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE REQUESTED
EXAMINING GROUP 1725
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Please grant any extensions of time required to enter this response and charge
any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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